

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

MICHAEL BARRICK, individually
and on behalf of similarly situated
persons; and **SCOTT WILLIAMS**,
individually and on behalf of similarly
situated persons;
Plaintiffs,

V.

**EDGE OFS HOLDINGS, LLC, and
GLADIATOR ENERGY, LLC,
*Defendants.***

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P:24-CV-00003-DC

ORDER

Before the Court is the report and recommendation¹ from United States Magistrate Judge David Fannin concerning Defendants' Motion to Dismiss.² Pursuant to 28 U.S.C. § 636(b) and Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Fannin issued his report and recommendation on January 29, 2025.³ As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no

¹ ECF No. 17.

² ECF No. 9.

³ ECF No. 17.

timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge⁴ **ADOPTED**. Defendants’ motion to dismiss is **GRANTED**. Plaintiffs’ claims are **DISMISSED WITHOUT PREJUDICE**.⁵

The Court **ORDERS** Plaintiffs to file their amended complaint, if they choose to do so, within thirty days of entry of this order.

It is so **ORDERED**.

SIGNED this 13th day of February, 2025.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE

⁴ ECF No. 17.

⁵ ECF No. 9.